

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 4651	DATE	November 4, 2003
CASE TITLE	Sembos v. Phillips		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> General Rule 21 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] For the reasons set forth in the attached Memorandum and Order, this Court DENIES Plaintiff Sembos' Motion to Stay Enforcement of Bill of Costs Pending Appeal and OVERRULES the Objections to the Bill of Costs [66-1 and 66-2] and consequently taxes Sembos in the amount of \$7,819.70.
(11)	<input type="checkbox"/>	[For further detail see order on the reverse side of the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	<div style="text-align: center;"> <p>U.S. DISTRICT COURT</p> <p>NOV 6 2003</p> <p>NOV 6 2003</p> <p>NOV 6 2003</p> </div>	number of notices	<div style="text-align: center;"> <p>NOV - 6 2003</p> <p>date docketed</p> <p>15</p> <p>docketing deputy initials</p> <p>date mailed notice</p> <p>mailing deputy initials</p> </div>	Document Number
<input type="checkbox"/>	No notices required.				
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.				
<input type="checkbox"/>	Notified counsel by telephone.				
<input type="checkbox"/>	Docketing to mail notices.				
<input type="checkbox"/>	Mail AO 450 form.				
<input type="checkbox"/>	Copy to judge/magistrate judge.				
RTS		courtroom deputy's initials			
		Date/time received in central Clerk's Office			

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ATHANASIOS SEMBOS,

Plaintiff,

v.

PHILIPS COMPONENTS,

Defendant.

DOCKETED
NOV - 6 2003

Hon. Blanche M. Manning

Case No. 00 C 4651

MEMORANDUM AND ORDER

Plaintiff Athanasios Sembos ("Sembos") brought this action against Defendant Philips Components ("PC") for age discrimination (Count I), in violation of the Age Discrimination Employment Act ("ADEA"); breach of contract (Count II); and promissory estoppel (Count III). Following discovery and briefing by the parties, this Court granted PC's Motion for Summary Judgment, pursuant to Federal Rule of Civil Procedure 56. The instant matter comes before the Court on Sembos' Motion to Stay Enforcement of Bill of Costs Pending Appeal and Objections to the Bill of Costs. The Court will discuss each of these motions in turn.

I. Motion to Stay Enforcement of Costs

Without citing to any authority, Sembos asks this Court to stay PC's Bill of Costs pending appeal of this matter. Other courts in this district which have been faced with such requests have denied such stays on the grounds that they are not provided by statute and would serve no useful purpose. See, e.g., Int'l Oil v. Uno-Ven Co., 1998 WL 895557, at *1 (N.D. Ill. Dec. 14, 1998); Ziemack v. Centel Corp., 1997 WL 97384, at *1 (N.D. Ill. Feb. 27, 1997). Accordingly, this Court DENIES Sembos' Motion to Stay.

68

II. Objections to Costs

Rule 54(d) provides that “[c]osts . . . shall be allowed as of course to the prevailing party unless the court otherwise directs.” Fed. R. Civ. P. 54(d). Recoverable costs include: (1) fees of the clerk; (2) fees for transcripts; (3) fees for printing and witnesses; (4) fees for copies of papers necessarily obtained for use in the case; (5) docket fees; and (6) compensation of court appointed experts and interpreters. 28 U.S.C. § 1920. Rule 54(d) creates a strong presumption favoring the award of costs to the prevailing party. Weeks v. Samsung Heavy Indus. Co., Ltd., 126 F.3d 926, 945 (7 th Cir.1997). “The presumption is difficult to overcome, and the district court's discretion is narrowly confined--the court must award costs unless it states good reasons for denying them.” Id. In objecting to costs, the “losing party must affirmatively demonstrate the prevailing party is not entitled to costs.” LeMoine v. Combined Communications Corp., 1996 WL 435115, at *1 (N.D. Ill. July 31, 1996).

Here, Sembos objects to the following in the Bill of Costs: (1) \$884.40 in travel expenses for the deposition of one of PC’s witnesses; (2) the cost of videotaping a deposition; and (3) the \$.020 per page for photocopying. With regard to the first objection, PC appears to have cured Sembos’ main objection, that PC did not attach any receipts, by attaching a receipt for the airfare. Consequently, this Court finds that PC’s request is sufficiently documented as required by 28 U.S.C. § 1821(c)(1) and reasonable.

As for the cost of videotaping depositions, it is permissible to tax the cost of both the transcript and the videotaping if they are both “necessary and reasonable.” Vardon Golf Co., Inc. v. Karsten Manuf. Corp., 2003 WL 172066, at *2 (N.D. Ill. Mar. 31, 2003). Because the deponent here is a citizen of England, this Court finds that it was both necessary and

reasonable to have his deposition videotaped.

Finally, Sembos contends that PC's \$0.20 per page charge for photocopying is excessive.

After reviewing the relevant cases, this Court finds that \$0.20 is a reasonable cost.

Accordingly, this Court **OVERRULES** Sembos' objections to PC's Bill of Costs.

CONCLUSION

For the foregoing reasons, this Court DENIES Plaintiff Sembos' Motion to Stay Enforcement of Bill of Costs Pending Appeal and OVERRULES the Objections to the Bill of Costs [66-1 and 66-2] and consequently taxes Sembos in the amount of \$7,819.70.

ENTER

Blanche M. Manning

BLANCHE M. MANNING
U.S. DISTRICT COURT JUDGE

DATE: 11-4-03